

Remarks

Claims 1-47 are pending in the application and are subject to a restriction requirement.

Claim 2 is amended herein to indicate that $R^1 = \text{OMe}$ as reflected in formula 2 of claim 2.

The Examiner has restricted the claims in the present application under 35 U.S.C. §121 as follows:

- Group I. Claims 1-30, drawn to compounds of formula (I), wherein R-R2 is $-(\text{CH}_2)_n$ and R1 is OH, -O-alkyl, -O-arylalkyl, classified in several heterocyclic classes (540, 544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.
- Group II. Claims 1-30, drawn to compounds of formula (I), wherein R-R2 is $-(\text{CH}_2)_n$ and R1 is amine, classified in several heterocyclic classes (540, 544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.
- Group III. Claims 1-30, drawn to compounds of formula (I), wherein R-R2 is $-(\text{CH}_2)_n$ and R1 -alkylamine, -arylalkylamine, classified in several heterocyclic classes (540, 544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.
- Group IV. Claims 1-30, drawn to compounds of formula (I), wherein R is Boc, Cbz, acetyl; R1 is OH, -O-alkyl, -O-arylalkyl, classified in several heterocyclic classes (540, 544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.
- Group V. Claims 1-30, drawn to compounds of formula (I), wherein R is H, HCl, Fmoc; R1 is OH, -O-alkyl, -O-arylalkyl, classified in several heterocyclic classes (540, 544, 544, 548, 546) and

- non-heterocyclic classes (558, 562, etc.), numerous subclasses.
- Group VI. Claims 1-30, drawn to compounds of formula (I), wherein R is $\text{CF}_3\text{COOH.H}$; R1 is OH, -O-alkyl, -O-arylalkyl, classified in several heterocyclic classes (540, 544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.
- Group VII. Claims 1-30, drawn to compounds of formula (I), wherein R is Boc, Cbz, acetyl; R1 is amine, classified in several heterocyclic classes (540, 544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.
- Group VIII. Claims 1-30, drawn to compounds of formula (I), wherein R is H, HCl, Fmoc; R1 is amine, classified in several heterocyclic classes (540, 544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.
- Group IX. Claims 1-30, drawn to compounds of formula (I), wherein R is $\text{CF}_3\text{COOH.H}$; R1 is -amine, classified in several heterocyclic classes (540, 544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.
- Group X. Claims 1-30, drawn to compounds of formula (I), wherein R is Boc, Cbz, acetyl; R1 is -alkylamine, -arylalkylamine, classified in several heterocyclic classes (540, 544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.
- Group XI. Claims 1-30, drawn to compounds of formula (I), wherein R is H, HCl, Fmoc; R1 is -alkylamine, -arylalkylamine, classified in several heterocyclic classes (540, 544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.
- Group XIII. Claims 31-47, drawn to a process of making compounds of formula (I), classified in several heterocyclic classes (540,

544, 544, 548, 546) and non-heterocyclic classes (558, 562, etc.), numerous subclasses.

In response to the restriction requirement, Applicant elects with traverse Group IV including claims 1-30.

Applicant traverses the restriction requirement. At the least, Applicant submits that there is no serious burden or undue burden to examine certain Groups, e.g., Groups IV-VI, together. In Groups IV-VI, R1 is the same (OH, -O-alkyl, -O-arylalkyl) and the restricted Groups only differ with respect to the identified R substituent group(s). But there is not an enormous number of R substituent groups such that examining Groups IV-VI together would be an undue burden. To examine the elected Group (Group IV), the Examiner would be conducting searches relative to the claimed compounds where R1 is OH, -O-alkyl, and -O-arylalkyl and R is Boc, Cbz, and acetyl. It does not seem like an undue burden to examine a few more R substituent groups such as H, HCl, or Fmoc (Group V), or CF₃COOH.H (Group VI) with R1 substituent groups that are already being searched and examined.

The same rationale holds true for other restricted Groups. For example, Groups VII-IX include the same R1 substituent group (amine) and Groups X-XII include the same R1 substituent groups (-alkylamine, -arylalkylamine), and the respective restricted Groups only differ by the R substituent group (which are the same R substituent groups identified in restricted Groups IV-VI). Therefore, Groups VII-IX could be examined together and Groups X-XII could be examined together.

Applicant submits that there does not appear to be an unreasonable number of R substituent groups such that searching all the identified classes of R substituent groups with a particular set of R1 substituent groups would be an undue burden on the Examiner. Therefore, at the least, restricted Groups such as, for example, Groups IV-VI should be combined and examined together.

Applicant further submits that there does not appear to be an undue burden to examine the claims in their entirety. As discussed above, there is not an unreasonable number of R substituent groups, and they could be examined with a particular set of R1 substituent groups. This would significantly reduce the number of restricted groups.

Surveying this now limited number of Groups, there does not appear to be such an unreasonable number of R1 substituent groups. Further, the Examiner identified that the same classes would have to be searched for each restricted Group. The Examiner would already be searching in a given set of classes with respect to an elected Group. Therefore, it would not be unreasonable to combine Groups IV-XII or even Groups I-XII.

In view of the above, Applicant submits that it would not be a serious or undue burden to examine the claims in their entirety. At the least, Applicant submits that it would not be an undue burden to combine various restricted Groups (e.g., Groups IV-VI) and examine the restricted R substituent groups with a particular set of R1 substituents.

The Examiner further required election of a species. Applicant elects a species in which the respective parts correspond to formula 1 as follows: R = Boc; R1 = OMe (an O-alkyl group); and R2 = Me. Claims 1, 2, and 6 read on the elected species.

Conclusion

In view of the foregoing amendment and remarks, Applicant elects with traverse Group IV and elects the species identified above.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 under Attorney Docket No. **KUMAP0111US**.

Respectfully submitted,
RENNER, OTTO, BOISSELLE & SKLAR, LLP

By 

Scott M. Slaby, Reg. No. 53,603

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113